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DATE MAILED: 06/19/2003

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.	
09/894,347	06/28/2001	David S. Sumida	B-4034 618348-2 6455		
7	590 06/19/2003				
Victor Repkin, Esq. c/o LADAS & PARRY Suite 2100 5670 Wilshire Boulevard Los Angeles, CA 90036-5679			EXAMINER		
			PAK, SUNG H		
			ART UNIT	PAPER NUMBER	
			2874		

Please find below and/or attached an Office communication concerning this application or proceeding.

•	<i>3</i> 7 ·	Application	N .	Applicant(s)	7		
	. •	09/894,347		SUMIDA ET AL.			
	Offic Action Summary	Examiner		Art Unit			
		Sung H. Pak		2874			
Period fo	The MAILING DATE of this communication Reply	ation appears on the d	over sheet with the d	correspondence addres	SS		
THE I - External after - If the - If NC - Failu	ORTENED STATUTORY PERIOD FOR MAILING DATE OF THIS COMMUNICATION of time may be available under the provisions of SIX (6) MONTHS from the mailing date of this communication period for reply specified above, its less than thirty (30) of period for reply is specified above, the maximum statuting to reply within the set or extended period for reply will reply received by the Office later than three months after	ATION. 37 CFR 1.136(a). In no event lication. days, a reply within the statuto tory period will apply and will e il, by statute, cause the applica.	, however, may a reply be tin ry minimum of thirty (30) day xpire SIX (6) MONTHS from tition to become ABANDONE	nely filed s will be considered timely. the mailing date of this commu D (35 U.S.C. § 133).	nication.		
	ed patent term adjustment. See 37 CFR 1.704(b).		,	,,			
1)🛛	Responsive to communication(s) filed	d on <u>24 March 2003</u> .					
2a) <u></u> ☐	This action is FINAL . 2b	o)⊠ This action is n	on-final.				
3)□	Since this application is in condition for closed in accordance with the practic				erits is		
	ion of Claims	liantina					
,—	Claim(s) <u>1-26</u> is/are pending in the ap	•	idorotion				
	4a) Of the above claim(s) is/are	withdrawn from cons	ideration.				
· ·	Claim(s) is/are allowed.						
· <u> </u>	Claim(s) <u>1-26</u> is/are rejected.						
· · · · ·	Claim(s) is/are objected to.	on and/or algetica rea	iramant				
•	Claim(s) are subject to restriction Papers	on and/or election red	uirement.				
• •	The specification is objected to by the I	Examiner.					
· —	The drawing(s) filed on is/are: a		bjected to by the Exa	miner.			
, - , -	Applicant may not request that any object						
11) 🔲	The proposed drawing correction filed of	on is: a)□ app	roved b) disappro	oved by the Examiner.			
	If approved, corrected drawings are requ	ired in reply to this Offic	e action.				
12)[The oath or declaration is objected to b	y the Examiner.					
Priority (ınder 35 U.S.C. §§ 119 and 120						
13)	Acknowledgment is made of a claim for	or foreign priority und	er 35 U.S.C. § 119(a	n)-(d) or (f).			
a)	☐ All b)☐ Some * c)☐ None of:						
	1. Certified copies of the priority do	ocuments have been	received.				
	2. Certified copies of the priority documents have been received in Application No						
* \$	3. Copies of the certified copies of application from the Internat See the attached detailed Office action	tional Bureau (PCT R	ule 17.2(a)).		ge		
14) 🗌 A	Acknowledgment is made of a claim for	domestic priority und	er 35 U.S.C. § 119(e) (to a provisional app	olication).		
) The translation of the foreign lange Acknowledgment is made of a claim for	•					
Attachmen	-	, , , , , , , , , , , , , , , , , , , ,	00				
2) 🔲 Notic	ce of References Cited (PTO-892) ce of Draftsperson's Patent Drawing Review (PTC mation Disclosure Statement(s) (PTO-1449) Pap	O-948) 5		y (PTO-413) Paper No(s) Patent Application (PTO-15			

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DETAILED ACTION

Applicants' response filed 3/24/2003 has been carefully considered by the examiner. In view of the arguments presented in the response, the previous ground of rejection is hereby withdrawn. However, the pending claims are still unpatentable. Therefore, a new ground of rejection is provided in this office action.

Information Disclosure Statement

All references submitted in the information disclosure statement filed 3/24/2003 have been considered. Please refer to PTO-1449 enclosed herewith.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1,3,5,9,12,13,15,17, 21,24-26 are rejected under 35 U.S.C. 102(b) as being anticipated by Meissner et al (US 5,852,622).

Meissner et al reference was cited in the information disclosure statement.

Regarding claims 1,5,13,17, Meissner et al reference discloses a solid state waveguide with all the limitations set forth in the claims, including: a core fabricated of a lasing medium, having an outer surface (Fig. 5); a cladding fabricated of a laser-inactive material (column 9 lines 10-31); said cladding diffusion-bonded to the outer

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surface of the core (column 3 lines 9-17); wherein the lasing medium of the core comprises crystalline or glass material doped with ions (column 9 lines 10-31).

Regarding claims 3,9,12,15,21,24 Meissner et al reference discloses the core comprising a rod having polygonal cross-section (Fig. 6).

Regarding claims 24-26, Meissner et al reference discloses the cladding enveloping all of the core material (Fig. 6).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35-U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

Claims 4, 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Meissner et al (US 5,852,622).

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Meissner et al reference discloses a solid state waveguide with all the limitations set forth in the claims as discussed above, except it does not teach the use of lutetium-aluminum-garnet (LuAG)material. However, LuAG material is well known and commonly used in the art for forming solid state laser devices. Such materials are advantageously used to produce solid state lasers that produce 900nm- 1000nm wavelength laser device.

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify Meissner et al device to use LuAG material. It would have been desirable to have a laser material for forming a solid state laser device capable of producing 900nm- 1000nm wavelength light.

Claims 2, 6-8, 10-11, 14, 18-20, 22-23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Meissner et al (US 5,852,622) in view of Meissner et al (US 5,936,984).

Meissner et al ('662) reference discloses a solid state waveguide with all the limitations set forth in the claims as discussed above, except it does not teach a central tapered section bounded by un-tapered end sections.

Meissner et al ('984) reference, on the other hand, discloses a tapered, or bottlenecked, central lasing portion bounded by circular un-tapered, or flanged, end portions (Figs. 4, 7). Meissner et al teach that such a design is advantageous over the prior art because, inter alia, it improves end coupling of input light, reduces parasitic oscillations, etc. (column 3 lines 10-24). Therefore, it would have been obvious to a

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person of ordinary skill in the art at the time the invention was made to modify '662 device to have bottleneck central portion bounded by un-tapered end portions.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sung H. Pak whose telephone number is (703) 308-4880. The examiner can normally be reached on Monday - Thursday: 6:30am-5:00pm.

The fax phone numbers for the organization where this application or proceeding is assigned are (703) 308-7724 for regular communications and (703) 308-7724 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0956.

for

Sung H. Pak Examiner Art Unit 2874

sp June 12, 2003

Rodney Bovernick
Supervisory Patent Examiner
Technology Center 2800